

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES RUSSELL KNOX,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C16-5502BHS

ORDER REQUESTING
RESPONSE AND SETTING
BRIEFING SCHEDULE

This matter comes before the Court on the Government's motion for reconsideration (Dkt. 13).

On January 24, 2017, the Court granted Petitioner James Knox's ("Knox") petition concluding in part that the residual clause in the United States Sentencing Guidelines was void for vagueness. Dkt. 11. On March 6, 2017, the Supreme Court issued its decision in *Beckles v. United States*, 15-8544, 2017 WL 855781 (U.S. Mar. 6, 2017), concluding that "the Guidelines are not subject to a vagueness challenge under the Due Process Clause. The residual clause in § 4B1.2(a)(2) therefore is not void for vagueness." *Id.* at *6. The Government filed the instant motion after *Beckles*, seeking reconsideration of the Court's conclusion. Dkt. 13.

1 “No response to a motion for reconsideration shall be filed unless requested by the
2 court. No motion for reconsideration will be granted without such a request.” Local
3 Rules, W.D. Wash. LCR 7(h)(3). The Court finds that the Government’s motion has
4 merit. Therefore, the Court requests a response from Knox, which may be filed no later
5 than March 17, 2017. The Government may file a reply no later than March 24, 2017.
6 The Clerk shall renote the Government’s motion for consideration on the Court’s March
7 24, 2017 calendar. The parties may file a motion to extend these deadlines if necessary.

8 **IT IS SO ORDERED.**

9 Dated this 7th day of March, 2017.

10
11 

12 BENJAMIN H. SETTLE
13 United States District Judge
14
15
16
17
18
19
20
21
22